

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KIM EDWARD ROGERS,  
Plaintiff,  
v.  
JAMES L. WILLIAMS,  
Defendant.

No. 2:17-cv-1490-JAM-GGH

ORDER

The United States Attorney, through Assistant U. S. Attorney Victoria L. Boesch, has advised the court that Defendant Williams, who is a Sacramento Sheriff Detective and Special Duty United States Marshal has contacted her office to seek representation in this case. Because the office must receive permission to defend from the Department of Justice, the office is unable to act on the request at this time and so a 60 day extension of time to respond to pending pleadings has been requested. This court will grant that request.

The United States Attorney also states that plaintiff has not properly served the United States as required by Federal Rule of Civil Procedure 4(i)(3). That Rule states the following;

To serve a United States officer or employee sued in an individual capacity for an act or omission occurring in connection with duties performed on the United States' behalf (whether or not the officer or employee is also sued in an official capacity), a party must serve the United States and also serve the officer or employee under Rule 4(e), (f), or (g).

///

1 In the present circumstance, that service can be accomplished by delivering a two service copies  
2 of the complaint, the appropriate summons, the form for consent to trial by a magistrate judge and  
3 this Court's Status Order to the United States Marshal who will effect service insofar as plaintiff  
4 is proceeding pro se and in forma pauperis.

5 In light of the foregoing IT IS HEREBY ORDERED that:

6 1. The Clerk of the Court shall provide a copy of this Order and the documents listed  
7 above to the United States Marshal within ten (10) days of the date of this Order;

8 2. The Marshal effect service on the United States and defendant James A. Williams  
9 at the Office of the United States Attorney for the Eastern District of California within twenty  
10 (20) days of the date of this Order;

11 3. The defendant's Response to the complaint, whether by Answer or Motion, shall  
12 be filed no later than January 26, 2018.

13 **IT IS SO ORDERED.**

14 Dated: November 27, 2017

15 /s/ Gregory G. Hollows  
16 UNITED STATES MAGISTRATE JUDGE  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28